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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,363	10/19/1999	GEE-GWO MEI	YO999-349	4029
21254	7590	11/16/2004	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	Application No. 09/421,363	Applicant(s) MEI ET AL.	
	Examiner Olisa Anwah	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-4, 6-8, 10-12, 15-26, 28-32, 36, 37 and 42 are rejected under 35 U.S.C. § 102(e) as being anticipated by Polcyn et al, U.S. Patent No. 6,061,433 (hereinafter Polcyn).

Regarding claim 1, Polcyn discloses a method for personalizing an interactive voice response (IVR) system to reduce a number of key sequences to reach a desired source of information (col. 2, lines 30-35), comprising:

storing a caller profile (col. 2, lines 40-50);

accessing said IVR system via a telephone (305 from Figure

3); and

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retrieving the caller profile to construct a personalized IVR dialogue menu and play out the personalized IVR dialogue menu via said telephone (see Figure 3), said personalized IVR dialogue menu comprising:

a plurality of shortcut paths (321-325 from Figure 3);

and

an option for changing said plurality of shortcut paths in said personalized IVR dialogue menu (345 from Figure 3),

wherein said personalized IVR dialogue menu is at least one of based on a caller access pattern and configurable by said caller (345 and 321 from Figure 3).

Regarding claim 2, see col. 2, line 66 to col. 3, line 10.

Regarding claim 3, see col. 6, lines 59-64 and Figure 4.

Regarding claim 4, see col. 2, line 66 to col. 3, line 10.

Regarding claim 6, see col. 4, lines 34-44.

Regarding claim 7, see col. 6, lines 59-64.

Regarding claim 8, see col. 6, lines 59-64.

Regarding claim 10, see col. 4, lines 15-25.

Regarding claim 11, see column 6.

Regarding claim 12, see col. 4, lines 34-44.

Regarding claim 15, see Figure 3.

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Claim 16 is rejected for the same reasons as claim 1.

Regarding claim 17, see Figure 3.

Regarding claim 18, see Figure 1.

Regarding claim 19, see column 3 and Figure 3.

Regarding claim 20, see column 6.

Regarding claim 21, see col. 2, lines 50-56.

Regarding claim 22, see col. 4, lines 34-44.

Regarding claim 23, see Figure 3.

Regarding claim 24, see col. 6, lines 59-64.

Regarding claim 25, see Figures 1 and 3.

Claim 26 is rejected for the same reasons as claim 1. Also  
see column 3.

Claim 28 is rejected for the same reasons as claim 16.

Regarding claim 29, see 345 from Figure 3.

Regarding claim 30, see col. 4, lines 34-44.

Regarding claim 31, see col. 4, lines 34-44.

Regarding claim 32, see col. 4, lines 34-44.

Regarding claim 36, see Figure 3.

Regarding claim 37, see col. 6, lines 55-65.

Regarding claim 42, see Figure 3.

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 13 and 14 are rejected under 35 U.S.C § 103(a) as being unpatentable over Polcyn in view of Csaszar, U.S. Patent No. 5,970,124 (hereinafter Csaszar).

Regarding claim 13, Polcyn does not disclose inserting an advertisement into said caller's personalized dialogue menu, based on the caller's IVR past accessing patterns, during said caller's navigation of said personalized IVR dialogue. However Csaszar discloses this limitation (columns 8 and 9). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Polcyn with the inserting method taught by Csaszar. This modification provides advertisers and marketers with the ability to better direct advertisements to customers who are most interested in a product or service as suggested by Csaszar.

Regarding claim 14, see columns 8 and 9.

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5. Claims 5, 9 and 27 are rejected under 35 U.S.C § 103(a) as being unpatentable over Polcyn in view of Hanson, U.S. Patent No. 6,016,336 (hereinafter Hanson).

Regarding 5, Polcyn fails to disclose said shortcut is based on a most-recently accessed IVR pattern. However Hanson discloses this limitation (col. 4, lines 12-14). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Polcyn with the shortcut taught by Hanson. This modification directs incoming calls from individual callers to one or more preferred applications based on each caller's past usage as suggested by Hanson and Polcyn.

Regarding claim 9, Polcyn does not explicitly teach the network comprises at least one of a World-Wide-Web (WWW), an intranet, and a personal area network. However Hanson discloses this limitation (col. 3, lines 1-4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Polcyn with the network taught by Hanson. This modification would allow the system of Polcyn to run on any network for connecting a caller to an end point as suggested by Hanson.

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Claim 27 is rejected for the same reasons as claim 9.

6. Claims 33-35 are rejected under 35 U.S.C § 103(a) as being unpatentable over Polcyn in view of Partridge, U.S. Patent No. 5,933,484 (hereinafter Partridge).

Regarding claim 33, Polcyn does not explicitly disclose said option for changing said plurality of shortcuts in said personalized IVR dialogue menu, comprises an option for changing said personalized menu to include a selected shortcut. However Partridge discloses this limitation (see Figure 3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Polcyn with an option to include a selected shortcut as taught by Partridge. This modification would allow a caller to change the order of presentation as suggested by Polcyn.

Regarding claim 34, Polcyn does not explicitly disclose said option for changing said plurality of shortcuts in said personalized IVR dialogue menu comprises an option for selecting a sequence of direct dialogue paths to be included in said personalized menu. However Partridge discloses this limitation (see Figure 3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to



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modify Polcyn with the option taught by Partridge. This modification would allow a caller to change the order of presentation as suggested by Polcyn.

Regarding claim 35, Polcyn fails to disclose the option for changing said plurality of shortcuts in said personalized IVR dialogue menu comprises an option for changing said personalized IVR dialogue menu before navigating said personalized IVR dialogue menu during a current call. However Partridge discloses this limitation (see Figure 3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Polcyn with the option taught by Partridge. This modification would allow a caller to change the order of presentation as suggested by Polcyn.

7. Claim 38 is rejected under 35 U.S.C § 103(a) as being unpatentable over Polcyn combined with Csaszar and Partridge in view of Hanson.

With respect to claim 38, Polcyn fails to teach the claimed inserting limitation. However Csaszar discloses this limitation (columns 8 and 9). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Polcyn with the inserting method taught by Csaszar.

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This modification would improved the cumulative features of Polcyn by providing advertisers and marketers with the ability to better direct advertisements to customers who are most interested in a product or service as suggested by Csaszar.

Further regarding claim 38, the combination of Polcyn and Csaszar does not explicitly disclose said option for changing said plurality of shortcuts in said personalized IVR dialogue menu, comprises an option for changing said personalized menu to include a selected shortcut. However Partridge discloses this limitation (see Figure 3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Polcyn and Csaszar with an option to include a selected shortcut as taught by Partridge. This modification would have improved user friendliness by allowing a caller to change the order of presentation as suggested by Polcyn.

With further respect to claim 38, the Polcyn, Csaszar and Partridge combination does not explicitly teach the network comprises at least one of a World-Wide-Web (WWW), an intranet, and a personal area network. However Hanson discloses this limitation (col. 3, lines 1-4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Polcyn,

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Csaszar and Partridge with the network taught by Hanson. This modification would have improved flexibility by allowing the system to run on any network for connecting a caller to an end point as suggested by Hanson.

8. Claims 39 and 40 are rejected under 35 U.S.C § 103(a) as being unpatentable over Polcyn in view of Partridge.

As per claim 40, Polcyn does not explicitly teach the claimed option of claim 40. However Partridge discloses this limitation (see Figure 3). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Polcyn with an option to include a selected shortcut as taught by Partridge. This modification would have improved user friendliness by allowing a caller to change the order of presentation as suggested by Polcyn.

Claim 39 is rejected for the same reasons as claim 40.

9. Claim 41 is rejected under 35 U.S.C § 103(a) as being unpatentable over Polcyn.

With respect to claim 41, Polcyn fails to disclose wherein upon electing said option for changing said plurality of shortcut paths, said system provides a dialogue for allowing said caller to use said telephone to input user-defined

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shortcuts via key sequences based on key-to-shortcut mapping.

"Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Polcyn with a method wherein upon electing said option for changing said plurality of shortcut paths, said system provides a dialogue for allowing said caller to use said telephone to input user-defined shortcuts via key sequences based on key-to-shortcut mapping. This modification would have improved the user friendliness of Polcyn by allowing the user to personalize the menu.

#### ***Response to Arguments***

10. Applicant surprisingly alleges Polcyn does not teach the menu itself includes the option of changing the plurality of shortcut paths. However Applicant completely misses the point. Polcyn teaches a personalized IVR dialogue menu comprising a plurality of shortcut paths (col. 6, lines 25-30). In addition to these shortcut paths, Polcyn discloses the caller is given an option to changing the personalized IVR dialogue menu (col. 6, lines 35-40). Hence when a caller accesses the IVR system via a telephone (step 305 from Figure 3), the caller can choose between selecting a shortcut (col. 6, lines 25-30) or the option:

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to change the personalized menu (col. 6, lines 35-40). Therefore Polycn teaches the menu itself includes the option of changing the plurality of shortcut paths in the menu.

### **Conclusion**

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O-A

Olisa Anwah  
Patent Examiner  
November 5, 2004



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600